App F IX 1

1946 47
(ML)

File No 23-46

Serial Nos 93, 94

Previous References
ML-2 23-46-(17 19)

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos one

Part B for April 47

SUBJECT

Petition from mr Abdul Latiff. Bilas
ab protesting against the acquisitio
of his property by Taluk Cutcherry
Road for putting up Cattle-heds and
Stables.

box 23
2

Petition from Mr Abdul Kalheer, proprietor, Bombay Refreshing House, 207- Avenue Road, Bangalore city, protesting against the acquisition of property No 607 — Talak cutchery Road, for building of the cattle sheds and stables

Ministers Minute

1) Please call for a report from Municipal Comr

Dated T-C M/L
22-1-47

2) A memo calling for a report in Gist up

3) Gone 31/1/47

31/1/47 To M Comr Bangalore city
L 10957/HC
6/2/47
Mr for a report

TYPING SECTION
3 FEB 1947
HOME SECTT

T 9165 6023
2

From the Municipal Town Bangalore City
Lr-C 311 dt 21-3-47

2) Furnishes a report on the matter and adds that the petitioner has filed a civil suit in the District Court Bangalore contesting the powers of the Municipal Council to acquire private property for "Cattle Sheds" and that the case is going on in the Court

4) Vide G.O.No L9365-6/MI 23-46-1 dated 30-10-46. Sanction was accorded to the acquisition of Door No 607, Talak Tavichevy road Bangalore City for putting up Cattle Sheds

Flag 'A'.

5) Mr Abdul Latheef Sab, who had purchased the property in question —

from the notified owner, has requested that the acquisition proceedings be dropped, on the following grounds:-

a) that it is not within the competence of the Municipal Council for the acquisition of the property in question for constructing a cattle shed

b) that the property in question is situated amidst residential localities and is facing a busy street.

c) It is reported that the Minister for Education and public Health was pleased to inspect the property in question on 6-2-1947 and that orders thereon are awaited

d) As it is reported that the party has filed a suit in the Dist Judges Court, Bangalore against the City Municipality, the decision of the Court will be awaited.

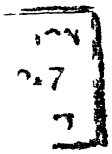
e) Reference Paragraph 5 above. For orders with reference to para 6 above (Minister for Education & Public Health) 24/3/47

OFFICE OF THE ... BANGALORE
No 5467
No 6389.

7918

The decision of the Distt Court
Barcelona in the civil suit-
Law of Nuremberg filed by the petitioner
Conferring the powers of the municipal council
to acquire private property for cattle-sheds
may perhaps be awarded and orders thereon
passed afterwards

1523
9/4



6/4/47

7/4/47

Submit with a draft reply accordingly

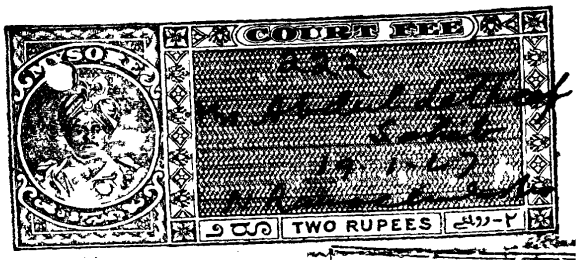
10/4

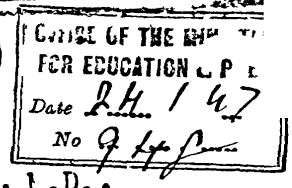
Done
11/4/47

To- The Mil. Town
Nuremberg dt 10-4-47
Orders accordingly

Please call for a report from the Joint Commr Hlth 22/1/47

(Rev Secy)





To

Diwan Bahadur Dr. T. C. I. Royan, I.D.,
Minister for Education, Health and
City Municipalities,
Bangalore.

Respected Sir,

I am the owner of property bearing No. 607, Taluq Cutcherry Road, Bangalore City, which I purchased recently from Sowcar Attibele Sarabhanna This property faces the Taluq Chtcherry Road, quite close to the Arlepet Circle, and is in the midst of well-built architectural buildings The property is surrounded by Shops and Residential houses

I purchased the property with a view to put up storied residential house for my residence and for putting up Shops in front so as to fit in with other Shops in the locality I accordingly submitted the accompanying Plan to the Municipality The Municipality thereupon endorsed that, as there was proposal to acquire my property, no license could be granted.

I later learnt, after seeing the Gazette Notification dated 29-4-1946 bearing No 11867-M1 22-45-66, that the property was intended to be acquired for the Bangalore City Municipality for the purpose of putting up Cattle Sheds and Stables. It is an accepted policy of the Government that cattle Sheds and Stables should be constructed outside residential localities. Even private persons are being prosecuted for having their Cattle Sheds close to residential quarters As one-time President of the Municipality and as the Minister for Health, you are unceasing in your effort

to improve the Health of the City, and I trust this objection ought to appeal to you.

In such state of affairs, I submitted my objection petition to the Special Land Acquisition Officer that, apart from the above grounds of public policy, the acquisition itself could not be undertaken for the Municipality, as provision for Cattle-sheds and Stables did not come either under Obligatory or Discretionary functions of the Municipal Council. I was all along expecting that my objections would be upheld and further proceedings dropped. As I was served - with a Notice under Sections 9 and 10 of the Land Acquisition Act by the Land Acquisition Officer, I presume he must have decided to go ahead with the Acquisition.

I am, therefore, constrained to approach you, Sir, for redress in this matter. You may be pleased to inspect the spot and, if you find that my grievances are well founded, you may kindly pass orders saving the property for me a n d - directing that the Acquisition be dropped.

For which act of kindness, I will feel very grateful.

Yours Respectfully,

Abdul Latheef

Bangalore,
19th Jany.,1947.

CITY LAND ACQUISITION OFFICE
17 FEB 1947

El-5280/46-7

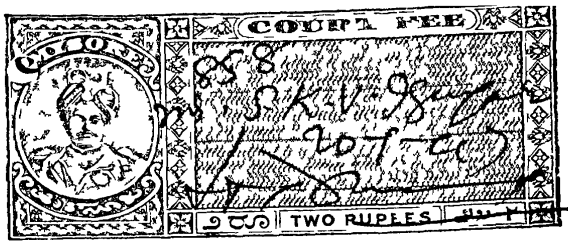
MY ADDRESS -

Abdul Latheef,
Proprietor, Bombay Bedding House,
267, Avenue Road,
Bangalore City.

LAND ACQUISITION
No. 10/2/47
BANGALORE CITY

Memo No. L10957 dt 6/2/47
Forwarded with compliments to the Municipal Commissioner, Bangalore City, for favour of a report & return of the enclosures.
31/1
for Revenue Secretary

Forwarded to the Spl L A O for report
N Seshadri
24/2/47



Before the High Ness of the Executive Ja

In the Court of the Mysore

at **BANGALORE**

No of 1946 47

Plaintiff	Defendent
Petitioner	Opponent
Appellant	Respondent

Abdul Lateef _____

_____ Vs _____

I/~~We~~ the Petitioner above-named, do here by appoint and retain **Mr S K Venkatarangaiengar,** B A LL B, **Mr B Vedanta Iyengar,** B A ,LL B Advocates, to appear for me/us in the above suit proceed ng, petition or appeal, and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I/We empower my/our Advocates to appear in all miscellaneous proceedings in the suit or matter till all decrees or orders are fully satisfied or adjusted, to obtain the return of documents, draw any moneys that may be payable to me/us in the said suit, for matter withdraw, compromise or refer to arbitration the suit, and take all other steps that they may deem proper in the matter And I/we undertake to ratify and confirm all leagal acts done or caused to be done, and to pay all fees, costs, charges and expenses which may be incurred by my/our said Advocates in the case by virtue of these presents

In witness whereof I/we have hereunder set my/our hand this 20/1/ 1947

Accepted

Advocate

for Petitioner

20/1/47

Abdul Lateef

Signed by the executant in my presence

Indian Press Bangalore City

he applied on 6-5-1946 for grant of building license to put up a decent structure on the land proposed for acquisition But the license was refused in L-P No 1773 dated 30-5-1946 on the ground that there was a proposal to acquire this property

3 Then the objections of the petitioner was overruled and final declaration statements were submitted to Government in this office letter No L 1 C 311/45-46 dated 30-9-1946 for sanctioning the said acquisition and for arranging publication of the notification in the Gazette The Government in their order No L 9363-65/ M1 23-46-18 dated 30-10-1946 have sanctioned the acquisition authorising the Special Land Acquisition Officer attached to this Municipality to take orders for the acquisition of the land under Section 7 Land Acquisition Act

4 Accordingly the Special Land Acquisition Officer issued notice to the petitioner under Sections 9 and 10 Land Acquisition Act posting the case for filing statement to 31-1-1947 In the meanwhile on 22-1-1947 the petitioner filed an appeal to Government through his Counsel Mr S K Venkataranga Iyengar, B A , LL B , Advocate, Bangalore City that the acquisition proceedings in respect of the land be dropped, on the authority of the objections already raised by him in the preliminary stage of acquisition

5 The Minister for Education and Public Health was kind enough to inspect this property on 6-2-1947 and instructions of Government to pursue the acquisition proceedings in this case are awaited In the meanwhile, the petitioner has filed a Civil suit in the District Court, Bangalore in O S 50/46-47 against this Municipality contesting the powers of the Municipal Council to acquire private property for cattle sheds and the case is going on in the said Court

The petition, vakalath and the plan accompany

I have the honour to be,
Sir,
Your most obediant servant,

Municipal Commissioner

Forwarded with compliments

Honorary President.

hsr/-

MC 23-46-91.p.

To

The Municipal Commr

Bangalore City

L 14171/1546

petition of Mr Abdul Lateef Landowner & Doorn Boy, Taluk Cutcherry Road, Bangalore City addressed to the Minister for Labr. & P.W. requesting to drop the acquisition proceedings on the said property

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Sir,

With reference to your letter No. C 31/MS-46 dated 21-3-47 on the above subject, I am directed to state that the decision of the District Court, Bangalore, in the civil suit said to have been filed by the petitioner contesting the powers of the Municipal Council to acquire private property for cattle sheds, may be awaited.

I have &c

for Revenue Secy